

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANDRE LAMAR HENDERSON,	:	Civil No. 1:18-cv-1865
	:	
Petitioner,	:	
	:	
v.	:	
	:	
CLAIR DOLL,	:	
	:	
Respondent.	:	Judge Sylvia H. Rambo

MEMORANDUM

Before the court is a report and recommendation filed by the magistrate judge in which she recommends that Plaintiff’s petition filed pursuant to 28 U.S.C. § 2241 be dismissed. For the reasons that follow, the report and recommendation will be adopted.

Henderson is a pretrial detainee in York County Prison. In his petition, he challenges his “pretrial restraint following an illegal seizure pertaining to an unsworn declaration of Fed. R. Civ. P. 56(e)/lacking probable cause.” (Doc. 1, p. 2.)

“[A] detainee’s challenge to the conduct of law enforcement officers in connection with an arrest or the validity of the charges against him must be addressed in an appropriate pretrial motion.” *Reese v. Warden Philadelphia FDC*, 904 F.3d 244, 245 (3d Cir. 2018). As the magistrate judge notes, Henderson has not exhausted his state-court remedies and has not presented his constitutional arguments to the state courts, nor to the state appellate court.

Accordingly, the report and recommendation will be adopted, and the petition for habeas corpus will be dismissed.

s/Sylvia H. Rambo

SYLVIA H. RAMBO

United States District Judge

Dated: January 3, 2019